

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

In re:

NIXON, Amy C.  
SS# xxx xx 8337

Chapter 13  
Case # 09-19877-FJB

Debtor(s)

MOTION OF CHAPTER 13 TRUSTEE FOR ORDER DISMISSING CASE FOR FAILURE  
TO MAKE PAYMENTS  
NOTICE OF BAR DATE OBJECTIONS/RESPONSES

Now comes the Chapter 13 Trustee (the "Trustee") and respectfully moves the Court for an Order dismissing this case. In support thereof, the Trustee states as follows:

1. On October 16, 2009, the above-captioned Debtor (the "Debtor") filed a petition for relief under Chapter 13 of the United States Bankruptcy Code.
2. On November 23, 2009, the Trustee convened and presided at a meeting of creditors as required by 11 U.S.C §341.
3. The Trustee is unable to recommend the Debtors' plan for confirmation at this time.
4. The Debtors are in arrears according to the terms of the plan totaling \$1,578.00 which is equal to 7.2 month(s) of plan payments. This amount does not include the current month and may increase prior to hearing. Failure to make timely payments is grounds for dismissal pursuant to 11 U.S.C §1307.

WHEREFORE, the Trustee respectfully requests that this Court enter an Order dismissing this case.

Respectfully Submitted,

By: /s/ Carolyn Bankowski  
Carolyn Bankowski, BBO #631056  
Patricia A. Remer, BBO #639594  
Office of the Chapter 13 Trustee  
P.O. Box 8250  
Boston, MA 02114  
(617) 723-1313  
[13trustee@ch13boston.com](mailto:13trustee@ch13boston.com)  
Dated: November 1, 2010

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UNITED STATES BANKRUPTCY COURT  
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ORDER DISMISSING CASE

The motion of the Chapter 13 Trustee to dismiss this case having come before this Court, due notice having been given, and for cause shown, it is hereby:

ORDERED: that this Chapter 13 case is dismissed.

Dated: \_\_\_\_\_

U.S. Bankruptcy Judge

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**NOTICE OF BAR DATE FOR OBJECTIONS/RESPONSES**

Notice is given that any responses and/or objections to this motion are to be filed within twenty-one (21) days of the date hereof. If no timely objections/responses are filed, the Court may act on this motion without further notice or hearing as provided by 11 U.S.C. §102(1)(B).

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the within Trustee's Motion to Dismiss was served upon the Debtor, Debtor's counsel of record and those parties listed on the following service list by first class mail, postage prepaid or by electronic notice.

Dated: November 1, 2010

/s/ Carolyn Bankowski

**SERVICE LIST**

Amy Nixon  
35 Maitland Avenue, Apt 2  
Randolph, MA 02368

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